

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : AUDONNET et al.
Serial No. : 10/735,429
Filed : December 12, 2003
Title : LIVE RECOMBINED VACCINES INJECTED
WITH ADJUVANT
Group Art Unit : 1648
Examiner : MOSHER
Confirmation No. : 2595

745 Fifth Avenue, New York, NY 10151

FILED VIA EFS-WEB
ON OCTOBER 24, 2008

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Thomas J. Kowalski, declare that I am the attorney of record and that I am authorized to execute terminal disclaimers on behalf of Merial SAS, Merial LLC and Merial Ltd. (collectively "Merial"), the assignee of the above-captioned application ("the present application") and U.S. Patent No. 6,713,068;

That Merial SAS has a place of business at 17 rue Bourgelat 69002, Lyon, France and is 100% owned by Merial Ltd.; that Merial Ltd. is located at Sandringham House, Sandringham Avenue, Harlow Business Park, Harlow Essex, England and is domesticated in Delaware, U.S. as Merial LLC, with a place of business at 3239 Satellite Boulevard, Duluth, Georgia, U.S.;

That, pursuant to MPEP 706.02(l)(2) ("Establishing Common Ownership . . . Example 1, Parent Company owns 100% of Subsidiaries A and B - inventions of A and B are commonly owned by the Parent Company"), the inventions of Merial SAS and Merial Ltd. are commonly owned by Merial Ltd., since Merial SAS is a wholly owned subsidiary of Merial Ltd;

That Merial is the assignee of the entire right, title and interest in, to and under the present application, U.S. Application Serial No. 10/735,429, by virtue of the assignment from the inventors as set out at Reel 015387 and Frame 0620, where said assignment was recorded at the U.S. Patent and Trademark Office on June 1, 2004;

That Merial SAS is the assignee of the entire right, title and interest in, to U.S. Application Serial No. 09/622,951, now U.S. Patent No. 6,913,068, by virtue of the assignment from the inventors as set out at Reel 011192 and Frame 0215, where said assignment was recorded at the U.S. Patent and Trademark Office on October 16, 2000;

That Merial hereby disclaims the terminal part of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,913,068;

That Merial hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,913,068, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns;

That no terminal part of any patent granted on the present application is disclaimed prior to the full statutory term of U.S. Patent No. 6,913,068, in the event that said patent expires earlier for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

In accordance with 37 C.F.R. § 3.73(b), the undersigned attorney of record, empowered to sign this Statement on behalf of the assignee, states that Merial is the assignee of the entire right, title and interest in the patent and patent application identified above (U.S. Patent No. 6,913,068 and the present application) by virtue of the assignments identified above. The undersigned has reviewed documents in the chain of title of the patent and patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

It is noted that this paper is being provided merely to expedite prosecution and is presented without admission, without prejudice, without surrender of subject matter, without any intention of creating any estoppel as to equivalents.

Authorization to charge a credit card \$140.00 in payment of the fee under 37 CFR 1.20(d) is enclosed. The Commissioner is authorized to charge any additional fee occasioned by this paper, or to credit any overpayment of fees, to Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By:



Thomas J. Kowalski
Reg. No. 32,147
Angela M. Collision
Reg. No. 51,107
Tel. (212) 588-0800
Fax (212) 588-0500